

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

UNITED STATES OF AMERICA,

)

Petitioner,

)

V.

)

KENNETH L. NELSON, and

)

WANDA B. NELSON,

)

Respondents.

)

FILED

MAY 23 2012

CLERK, U.S. DISTRICT COURT
NORFOLK, VA

Affidavit of TRUTH and Facts

22 May 2012

Dear Sir or Madam

I have not been trained as a lawyer so I request that any construction error(s) or other error(s) with this affidavit, or forceful language because this was not met to hurt anyone or go against anyone's God given freewill. So I request you would over look these errors and forceful wording, since I have done this in good faith, and God knows my heart which is not bad toward anyone so Thank you for your time and these considerations.

For your information this affidavit is for Objection and rebuttal for this Court case No.: 2:12cv218, the Notice and ORDER TO SHOW CAUSE, the PETITION FOR JUDICIAL APPROVAL OF LEVY UPON PRINCIPLE RESIDENCE, THE DECLARATION OF JAMES HILL, AND ALL OF THOSE TRANSCRIPTS FROM THE INTERNAL REVENUE SERVICE, because all of these illegal action done by the Internal Revenue Service takes away all jurisdiction man, the court and the Internal Revenue Service thought they had, and by my own freewill given to me by God I don't chose a judicial way in commerce but the administrative way which was not complete because there was no default but illegal deficiency(s) , and because all of these accounts are discharge in commerce under the Chapter 11 Bankruptcy of the U. S. Government already. So this affidavit is done in good faith and with a good heart because that is what God my Dad wants, you see he is the one that told me about doing a affidavit months ago, and he showed me a lot of things about commerce that he wants his me to stay informed in different matter that effect me, Philippians 2:13 For it is God that worketh in you to will and do his good pleasure including helping me with this affidavit and the Devil is just the opposite.

1. For 2008 it shows a refund that has been on the Internal Revenue Service Transcript IMF Individual Master File which is the Internal Revenue Service Official Record and we received Notices showing that the Internal Revenue Service raised the refund amount not lowered it so I will give you some of the items said on it.

- (a). Why We Are Sending You This Notice - we made a change to your 2008 Federal Income Tax Return - they increased the amount of refund did not lower it.
- (b). In another line says - What You Should Do If You Agree With The Change - You do not need to do anything. Why do they ask instead of not say anything about changing it, because according to Deficiency in the U. S. Code like I said before "only the taxpayer can make changes to the 1040 form or authorizes the changes to be made, "by the taxpayer" the U. S. Code says. The Internal Revenue Service can't make changes to the 1040 form unless I authorize it and by me not notifying them that shows I'm ok or give my permission for the changes this is the way commerce works. It's like a default if someone doesn't respond to a notice, request, offer in commerce that needs to be responded to, they are in default by there silence, lack of action or you accept it and the same way with payments. And also like I wrote before in Commercial matters it has built into it the God give freewill that everyone received from God. No one else even in commercial matters can force anyone to do anything that they don't chose to do or that would be breaking God's Law of freewill and the other party will get the results from breaking God's law, so it is in commerce which includes all these accounts, that is why they told me. And another reason is all commercial matters have to have a contract/agreement between both parties by their own freewill choice given to them by God and is under God's law and when one party changes what the agreement was like a 1040 Form here without the other parties permission especially when funds was suppose to be refunded and they changed it so they say funds have to be paid now without the other parties permission that is fraud, impeding commerce, illegal Tax Administration, illegal accounting, computer fraud, mail fraud when mail illegal bills, violating Public Policy, violating the Chapter 11 Bankruptcy, and violating the United States Bankruptcy Code if the change was made illegally like with all these other accounts from 2003 through 2007.
- (c). Ok another section says: What You Should Do If You Disagree With The Changes - You also can handle this matter by mail. You may write to us at the address on the Stub at the end of this notice. Please attach the stub to your correspondence. The stub will help us process your inquiry quicker – Because I have to agree with changes and if I didn't they said what to do. Well with the other years when they illegally went against my God given freewill, commerce, the contract agreement, the U. S. Code, Tax administration procedures, Impeding commerce, fraud, mail fraud, etc... I did respond to all of there changes because I never authorized any changes that were made to change a refund to owe anything so the Internal Revenue Service committed crimes by doing all these thing for 2003 through 2007.
- (d). And then on the next page they had a chart saying Your Figures and IRS Figures and they were both exactly the same so this is the first time they verified the 1040 form and verified it two or three times after this also, and it shows that I was correct and through this they are "publicly declaring" that a refund is due, and remember this is from the Internal Revenue Service and this was about 2.5 years ago and it is still in the transcript and IMF Individual Master File the Internal Revenue Service official Record in which the Internal Revenue Service didn't put this into the Court Case like they were trying to deceive the Court or hide information that really needs to be seen, fraud.

2. Then in reference to this same year they requested the 1040 form and the other info that was sent with it or for that year so I sent the information they wanted and I received a Notice that said: “”CLOSING NOTICE”“ which means they closed the case for 2008 and they found that I was correct again, the following is parts in this Notice:

- (a). We are pleased to tell you that, with your help we were able to clear up the differences between your records and the payers records. – (a1) with your help - with all these commercial matters I have not hide anything, not have any willful intent do illegal actions, not try to cheat but do things correctly but I can't say that about the Internal Revenue Service with all there illegal actions. (b1) clear up - they found that I was correct which apparently shows that the people for all of the other years did not verify the 1099's, and other information, or did not go to the FIRE SYSTEM to show that the 1099's were accepted and approved with the proper amount of income and Federal Income Tax Withheld which you know is supposed to be refunded fro legal Tax Administration, when it says ‘Good, Released’, this is what the Internal Revenue Service says: - If you File Status indicates ‘good, Released’, your file has been released to our mainline processing, and all these 1099's are Good released. So all these are already in the U. S Treasury / Internal Revenue Service main Computer System. And they also have to verify the TT&L tracking system which shows this information or they didn't know how to figure these out, this is illegal Tax Administration, fraud, stealing, Impeding commerce and going against Public Policy to decrease the Bankruptcy debt, violating the Chapter 11 Bankruptcy of the U. S. Government and the United States Bankruptcy Code. But other people do know how to figure these out because not only for 2008 but also for 2007 I receive a Notice for the refund that was correctly figured so some other people know how use these 1099's to figure the 1040 forms and Schedule B's for legal Tax Administration.
- (a1). So all of these 1099's that have the proper income and Federal Income Tax Withheld amounts put on them and the Internal Revenue Service already accepted and approved saying ‘Good, Released’, showing on them with this proper income and Federal Income Tax Withheld so changing that information without authorization from me is illegal Tax Administration and also, going against the legal information already in there own U. S. Treasury / Internal Revenue Service main Computer system which will cause items to not match up because of different figures. And also remember in (1) (b) above that the Internal Revenue Service had to have me authorize changes to the 1040 which makes since because they don't know the amounts from these commercial transactions they were not there, because they don't personally deal with these commercial activities that the income and Federal Income Tax was withheld. And also, only the taxpayer can make changes or authorize changes according to the U. S. Code on deficiency and I never authorized changes that would change a refund into owing, so these accounts and the civil penalties are products of illegal Tax Administration, computer fraud, fraud, mail fraud, Impeding commerce, violating the Public Policy, violating the United States Bankruptcy Code, illegal assessments, illegal accounting and etc...

- (b). Part of another line in this Notice: If you sent us a payment based on our proposed changes, we will refund it to you. - our proposed changes it sounds like they only thought something up without following lawful Tax Administration procedures in which they didn't if the 1040 was changed. Then the saying: will refund it to you - meaning after "the Internal Revenue Service verified it again" it still showing a refund is due to me and I don't owe anything, which also includes civil penalties which were issued illegally because by may own God given freewill choice, I chose not to authorize or change the 1040 that was accurately done with 1099's that were accepted and approve and in the U. S. Treasury / Internal Revenue Service main Computer System already in which I did legal Tax Administration but the Internal Revenue Service was trying to go against my God given freewill, go against Commerce in which this freewill is a part of, committing fraud, violating the UCC and U. S. Code, Impeding Commerce, doing illegal Tax Administration and other illegal acts.
- (c). And listen to this line: If you have already received a notice of deficiency, "you may disregard it" - with this not only for this year but for all years 2003 through 2008 there is NO DEFICIENCIES because all of these years were correctly figured on the 1040 form the same way, so the 2008 is correct all the other years are correct and show refunds, and nothing is owed, there is no liability. Remember this is a public declaration of what the Internal Revenue Service said and this refund amount has been "documented" and is proof in the Internal Revenue Service transcript and IMF Individual Master File for 2008 for over 2.5 years now and remember the IMF is the Internal Revenue Services "OFFICIAL RECORD" even with the illegal action of the Internal Revenue Service it is still documented in the Individual Master File. So with no deficiencies for 2003 through 2008 there is refunds due, no lawful civil penalties, nothing is owed, there is no defaults, no commercial matters, and no lawful case before the District Court but only criminal activity. And just to show you how deceptive the Internal Revenue Service they did not submit this transcript or IMF to the Court which this should have been part of there information to the Court.
- (d). Here is another line from this Notice: If you have already filed a petition, the Office of the District Counsel will contact you on the "final closing of this case". - closing of this case meaning it was a case, not just a verifying of the information and they are closing this case it is settled and all the information I provided was correct which also means all these years 2003 through 2008 are correct and "refunds are due for all of these years 2003 through 2008" and nothing is owed for all of these years, no liabilities, no commercial matters, no defaults, no lawful Court Case and here is the word case again. Like I have been saying I have not had a willful intent to do anything illegal but I can't say that about the Internal Revenue Service.

3. Also illegal Notice of liens and levies in public records or against wages. Because of fraud, illegal Tax Administration, no defaults, no deficiencies, no commercial account open but discharged, computer fraud, illegal accounting, violating my God given freewill choice and commerce by changing all those other years without authority. And I chose by my God given freewill not to make changes to those 1040 forms so they tried to force me and if I wouldn't make

changes they would issue illegal civil penalties. Because all those years 2003 through 2008 were done correctly as it is stated by different Notices that the Internal Revenue Service "publically declared" so that makes all these illegal Notice of liens and levies are products of criminal activities and refunds are suppose to be provided and nothing is owed.

4. On a Internal Revenue Service Notice the internal Revenue Service publically declared that a refund is to be provided for 2007 not civil penalties and not other tax due for 2007 but a refund is to be provided and it also shows by public declaration from the Internal Revenue Service that 2003, 2004, and 2006 all show a remaining Balance of \$.00. So the transcripts with the District Court are illegal and fraudulent amounts. Because this was from the Internal Revenue Service and they say 2003, 2004, and 2006 show a \$.00 balance nothing due, no liability but even beyond that all those years showed refunds due on the 1040 forms. So if changes were done to 1040 forms that was illegal activity because I never authorized, or gave permission to make any changes to any of the 1040 forms from 2003 through 2008. And this was also a offer from the Internal Revenue Service which they dishonored which means they "LOSES" in all Courts cases.

5. Also, the Internal Revenue Service violated a stay 26 USC 6863 - STAY OF COLLECTION OF JEOPARDY ASSESSMENT for the years of 2003, 2004, and 2005 says in part: Upon the filing of the bond the collection of so much of the amount assessed as is covered by the bond shall be stayed. So for all these years there was a stay that was violated and the U. S. Code violated. Also illegal civil penalties and Notice of Liens and this Court case violated this stay for all these years.

6. By the Internal Revenue Service trying to force me to change the 1040 form they were trying to make me report illegal income figures which would be lower than what was put on the 1040 form that was correct. Legal Tax Administration the taxpayer is suppose to put all the income, not part of the income, but the Internal Revenue Service was trying to force me to put only part of the income. Here are the examples for some different years 2008 - correct income \$158,312 what the Internal Revenue Service wanted me to put \$44,159, for 2007 correct income \$85,207 what the Internal Revenue Service wanted me to put as income \$49,734 look at the lower figures that the Internal Revenue Service wanted me to put and also means less tax for the Internal Revenue Service so they were trying to force me to do Illegal tax Administration with wrong income figures. And this happened on the other years also.

7. By the Internal Revenue Service trying to force me to change the 1040 form they were trying to make me report illegal income figures which would be lower than what was put on the 1040 form that was correct. Legal Tax Administration the taxpayer is suppose to put all the income, not part of the income, but the Internal Revenue Service was trying to force me to put only part of the income. And by doing this the amount of Tax for 2008 for correct income would be \$27,779 as stated on the Notice that the Internal revenue Service sent to me when they raised the refund amount, now what the Internal revenue Service was trying to force me to change the tax would be approx \$ 5,824. And the amount of Tax for 2007 for correct income would be \$9,779 and what the Internal Revenue Service was trying to force me to change the tax would be approx \$ 6,676. And this happened on the other years also. This is the Internal Revenue Service trying to

force me to do illegal Tax Administration. And to put lower tax amounts that is not legal Tax Administration, but my willful intent was to do the legal Tax Administration not illegal and all the Civil Penalties and amounts owed are products of these illegal actions.

No advantage in case of own unlawful acts - A party may not derive an advantage from its own unlawful acts "clean hands theory". From all of these violations and things the Internal Revenue Service did they don't have clean hands.

Upon request more information can be provided.

Kenneth L. & Wanda B. Nelson
1500 Chessington Court
Virginia Beach, VA 23464

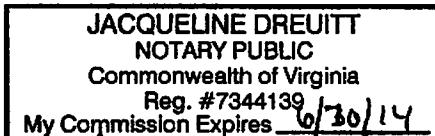
With all of these different items and all of the illegal activity of the Internal Revenue Service this Court Case should be dismissed with prejudice and order all Notices of Liens and Levy to be taken out of public record and off wages. And also, all accounts at the Internal Revenue Service 2003 through 2008 should be ordered to reflect that they show zero (0) due, discharged, balanced like they really are and have been according to the UCC, Contract Law and Public Policy with the Chapter 11 Bankruptcy (dollar for dollar).

A reasonable time as stated in the UCC is 30 calendar Days.

I Kenneth L. Nelson declare before God and under penalty of perjury that all this information is correct to the best of my knowledge and belief in God and the facts Kenneth L. Nelson 5/23/2012
Kenneth L. Nelson / Date

I Wanda B. Nelson declare before God and under penalty of perjury that all this information is correct to the best of my knowledge and belief in God and the facts Wanda B. Nelson 5/23/12
Wanda B. Nelson / Date

SUBSCRIBED AND SWORN to before
me this 23 day of May, 2012



Jacqueline Dreuitt